

Remarks

Claims 1-42 are pending in the application. Claims 1, 21, 41 and 42 are independent.

Claims 1-42 have been rejected.

Claims 1, 21, 41 and 42 have been amended.

Claims 9 and 29 have been cancelled.

Claim 1 is amended to more accurately reflect that the provisioning instructions are customized by distributed provisioning control through the provisioning instructions. Support for this amendment may be found at least at page 11, lines 1-7 and at page 14, lines 12-17 of the specification as filed.

Claims 21, 41 and 42 are similarly amended.

No new subject matter has been added as a result of these amendments.

Claim Rejections/ Arguments

The Examiner has rejected claims 1-8, 10-28 and 30-42 under 35 U.S.C. 103(a) as being anticipated by Jensen (US 2004/0261086) in view of Kiellberg and further in view of Krantz. Applicant respectfully traverses the rejections in view of the claim amendments herein.

Claim 1 as amended recites (with Applicant's emphasis in underline): *A method for providing customized provisioning of an application on a runtime environment of a terminal, the application including content having at least one content type, the method comprising the steps of:*

obtaining the content by the runtime environment;

for each content type, obtaining by the runtime environment a set of provisioning instructions related to the content type, the provisioning instructions being customized by distributed provisioning control through the provisioning instructions for different versions of the application and being coupled to the application for specifying a provisioning application program interface (API) set for provisioning the content on the terminal; and

executing by the runtime environment the provisioning instructions for employing the API set, by a script interpreter, to provision the application according to the specified content type.

In the Final Office Action dated 07/07/09, the Examiner acknowledged that Jensen does not disclose the former-claim 1 element of *"the provisioning instructions being customized for different subsets of versions of the application"*, but then contends that Kjellberg at paragraphs [0024] to [0026] disclosed that claim element.

Kjellberg at paragraph [0025] provides:

[0025] With reference now to **FIG. 1** of the drawings, there is illustrated a provisioning server **200** capable of provisioning objects and applications to client devices **100** in real-time. As noted above, provisioning is the capability to receive a request for an application or object, find a suitable version of the requested application or object and provide the application or object to the requester. The ability to find a suitable version of the requested application or object accounts for the different formats utilized by the many different types of client devices **100**, each with its own characteristics, limitations and configuration. For example, the client devices **100** may include PDAs **100a**, workstations and desktop computers **100b**, mobile phones **100c** and laptops **100d**. The characteristics and configurations of each

Nowhere in Kjellberg is there disclosed the feature and structure for customized provisioning as disclosed in the subject matter of claim 1 as amended. Rather,

Kjellberg discloses a static provisioning procedure that is implemented by the client devices 100, and is bound by the different types of client devices 100 .
“The ability to find a suitable version of the requested application or object accounts for the different formats utilized by the many different types of client devices 100” from Kjellberg paragraph [0025].

In contrast, claim 1 as amended provides the feature: “for each content type, obtaining by the runtime environment a set of provisioning instructions related to the content type, the provisioning instructions being customized by distributed provisioning control through the provisioning instructions for different versions of the application and being coupled to the application for specifying a provisioning application program interface (API) set for provisioning the content on the terminal”.

As disclosed in the specification as filed, at page 10-11:

The processing framework 206 manages the application 107 provisioning, retrieving and removing from the runtime environment of the terminal 100. The processing framework 206 provides ability to dynamically manage the provisioning API 122. It is recognized that the control of provisioning the content of the application 107 is distributed between the application 107 through the provisioning instructions 124 and the provisioning service 308 of the Framework 206, which represents the separation as Application 107 Intelligence and Framework 206 Intelligence. Having made this separation, the application 107 may no longer be bound by static provisioning procedures that would normally be imprinted on terminal 100 prior provisioning procedures.

Thus the feature of customized provisioning is described in the subject application as one where provisioning is no longer bound by static provisioning procedures that would normally be bound by the terminal provisioning procedures.

Furthermore, that customized provisioning is achieved by distributing the provisioning control between the application 107 (through the provisioning instructions) and the framework 206. From page 14 of the specification as filed:

Customized Provisioning

To provide customized provisioning capability, the provisioning control of the application 107 on the terminal 100 is distributed between the application 107 (through the provisioning instructions 124) and the framework 206. This separation of control as Application 107 provisioning control (Intelligence) and Framework 206 provisioning control (Intelligence) helps the application 107 to be no longer bound by a static provisioning procedure that would normally be implemented by current terminals 100.

Therefore, for at least the claim 1 features discussed above, Applicant submits claim 1 is patentable in view of Jensen, since neither Kiellberg nor Krantz discloses the structure of the customized provisioning feature as disclosed herein. As such, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Independent claims 21, 41 and 42 are similar in scope to claim 1, and therefore a similar argument applies. Accordingly, we submit that the rejection to these claims be withdrawn for at least the same reasons.

Since the remaining dependent claims depend from one of the above noted independent claims, since we submit that the rejection of these claims be withdrawn for at least the same reasons.

For the foregoing reasons, the Applicant respectfully submits that the claimed invention is patentable over the prior art. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

/Henry Ohab/

Henry Ohab
Registration No. 45,854
ph: (416) 862-3593

Gowling Lafleur Henderson LLP
1 First Canadian Place, Suite 1600
Toronto, Ontario, M5X 1G5

TOR_LAW\ 7244582\1